

**FLEXIBLE WORKING TIME
ARRANGEMENTS
IN FRANCE.**

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1. Introduction

In France, the organisation of working time and flexibility of working time have led to major discussions and controversy, as well as an area of considerable public intervention (with the law on the 35 hour working week and, more recently, the law 'on renovation of social democracy' which aims at challenging the much-talked about 35 hour week), and one of the most lively forms of collective bargaining.

The most important recent debate concerned the 35 hour week and the reduction of working time (RTT). This measure, which was adopted in 1998 and 2000 for companies with more than 20 employees, caused a lot of controversy, to the point of having partly contributed to a negative assessment of the policies of the left-wing government and its electoral defeat. The debate on the 35 hour week also had a gender dimension: surveys and assessments have shown that women employees were more satisfied with RTT than men. 'Reconciling family and work' was one of the indirect aims of this measure.

However, the result of part-time work is more tricky from a gender and age perspective. During the 1990s, reductions in employers' social contributions enabled companies to develop part-time work in a big way. Windfall gains were observed in sectors that already used part-timers, namely commerce, hotels and catering, cleaning, as well as personal services. This subsidised part-time work greatly increased the job insecurity of low-skilled employees (the great majority of whom are women). However, part-time work can have advantages in terms of life courses. It can provide transition towards stable employment (for young people with the development of 'student jobs') and also towards inactivity (rather than abruptly early-retiring older people who are still very competent, part-time work can be a good form of transition and transmitting knowledge). But even if these forms of part-time work are used in France, we will see that the biggest number of people in the newly created part-time jobs are adult women with atypical working hours that are not compatible with family responsibilities. The debate on the 'choice' of part-time work is unavoidable and far from being concluded.

Moreover, other forms of flexible working time are developing and subject to discussion, such as Sunday working (that the current government wants to generalise, but there is no unanimity on this issue) and the extension of atypical working time (in the evening and on weekends). There is also teleworking, which was the subject of earlier plans and also focused on reconciling times.

The French case is thus very interesting regarding flexible working time and gender: many paradoxes appear in the desire to render working time more flexible for employees - and especially women - on the one hand, but which, in the context of an economic rationale, promotes flexibility from the point of view of companies, on the other. However, France is lagging far behind regarding everything that would facilitate transitions in line with the life course (at the time of entry and exit and via long periods of leave during working life)... There is a long way to go to promote such approaches, which are still far too sporadic.

2. Regulatory framework

2.1 National regulations

Working time is set nationally by law at 35 hours per week since the so-called Aubry laws that were adopted in 1998 and 2000. But Sarkozy's government wanted to render the law more flexible - as it was greatly criticised for being too rigid - by making it easier to work overtime, while at the same time leaving the legal working week at 35 hours. In fact, with the principle of 'chosen working time' and tax exemption for overtime, it is easily possible to work longer than 35 hours a week. Thus, different laws on working time are now superimposed.

- The law on the 35 hour week: 'work less so that everyone can work':

Since 1998 and 2000, France is one of the rare countries to have introduced the 35 hour week in its legislation (except for companies of less than 20 employees, where 39 hours remains the reference point). Over 35 hours, overtime gave the right to additional pay of 25% for the first 4 hours and 50% for any other hours worked up to an annual 'maximum total' of 120 hours of overtime.

- The law adopted on 31 March 2005 on chosen overtime and the TEPA law adopted on 21 August 2007: 'work more to earn more':

Since 2005, the overtime system was changed: in the first place, the law made it possible to use 'chosen hours', i.e. employees and companies could agree on working overtime without informing the labour inspectorate or the works council and increase overtime up to a maximum of 180 hours. Then with the adoption of the TEPA law (promoting work, employment and purchasing power), overtime (paid 25% more for the first 8 hours – instead of 4 – and 50% for longer) is exempt from income tax for the employees concerned; both employers and employees pay lower social contributions; and there is no control of the amount of overtime worked (above the legal maximum amount. The cost of this measure is estimated to be €2 billion per annum (900 million hours of overtime were worked in 2007), i.e. an average gain of €110 per annum per employee (which is little).

- The law on renewing social democracy:

This law goes further. It removes any reference to the legal maximum amount of overtime (which has been increased from 180 hours per annum to 220) by making the amount subject to company-level collective bargaining. Companies can now negotiate an agreement that involves working more than 35 hours per week and any amount of overtime, provided it respects the legal weekly maximum of 48 hours and the daily maximum of 13 hours (with 11 consecutive rest hours per 24 hours). An employer can force an employee to work overtime, but the opposite is not possible (employees cannot work longer if their company does not wish them to). This affects, above all, executives, who work on the basis of a fixed number of days – according to the Aubry law, these executives could not count the number of hours they work each day, but worked a maximum of 218 days per annum (and took the other days off in the form of RTT days). Most companies actually required their executives to work between 200 and 210 days. Now agreements can be negotiated requiring executives to work up to 282 days per annum (which is the limit set by the EU). In the absence of a company agreement, the new ceiling is 235 days per annum.

These new laws on working time led to much union discontent (including amongst executives) and also on the left. The laws challenge social gains and represent risks for working conditions and private life. Gender is not directly referred to, but is nevertheless an underlying issue - who can work overtime up to 13 hours per day, if it's not employees without family constraints? Women – including executives – are subjected to school and crèche opening hours, as well as childminders' working time, much more than men are (even when they are fathers).

- Part-time work

Part-time work corresponds with working time that is less than legal working time (generally 35 hours) and must be stipulated in the employment contract. Part-time work can be introduced by collective agreement, employer's decision or at the request of an employee. In both of the latter cases, the employer can impose transition to part-time work for economic reasons, and dismissal if the employee refuses (decision of the court of appeal of 30 June 1992). Conversely, a company cannot refuse transition to part-time work for an employee who so wishes, except if it is possible to justify the absence of jobs that are suited to part-time work or if it can be shown that such a change would have harmful consequences for the company. **Normally, employees who wish to return to full-time work or transfer to part-time work in their company have priority for any available positions.** Moreover, 'family part-time jobs' exist – they provide for adapting parents' schedules to school holidays. Parental leave can also be taken part-time (over a period of 3 years) with a freedom of choice supplement (a partial allowance proportional to the number of hours not worked).

Part-timers can work additional hours (up to a maximum of 10% of their contractual working time). They benefit from exemptions provided for in the new TEPA law. Now, these additional hours can exceed 10% if a collective agreement provides for doing so and will count as overtime (for example, for a 30 hour per week contract, one can work 3 additional hours per week and any other hours will count as overtime, paid 25% more).

- Work on Sundays

The law provides for employees to have two consecutive rest days, including Sunday, except for economic, technical or public service reasons. There were very heated discussions recently (including within the parliamentary majority) on shops generally opening on Sundays. The law was finally 'postponed' until January 2009 (but to date, the debate has not been resumed). The most recent proposals are much 'softer' than the original ones: increasing Sunday opening to include certain tourist areas (such as Paris and the area around Lille) and also the possibility for mayors to authorise opening on 10 Sundays per annum instead of 5 as is currently the case. However, these principles have not yet been adopted.

- Working time adjustments:

When a company's economic activity is irregular – and in order to avoid overtime and temporary lay-offs – it can, with an agreement – annualise working time, while respecting the legal weekly working time limit. 7 days' notice must be given for any changes made to work schedules. Company agreements now take priority over any existing sector-level agreements.

- Time savings accounts:

Time savings accounts were modified by the law adopted on 20 August 2008. The conditions for filling, using and ending them are defined by collective agreement. The principle is to fill a personal account with time off that is not taken (RTT days, 5th week of paid leave and time-of-in lieu, etc.) and which can be used by employees as they so wish (including at the end of their career) either as time off or in the form of a bonus.

2.2 Collective agreements

In recent years, bargaining of sector-level agreements on working time (organisation of time, duration and so forth) has slowed down. But the last French laws, which seem to be seen abroad as being very restrictive, do in fact leave increasing margins for manoeuvre at sector- and also company-levels. Henceforth, **the duration and organisation of working time will be defined by company agreements (which have priority over sector-level ones).** It is thus possible to surmise that future years will see the development of such agreements again, because of decentralised bargaining and generalisation of the principle of 'negative dispensation', i.e. companies can sign

agreements that are less favourable for employees than sector-level ones or even the law!

According to the Ministry of labour's last annual report on collective bargaining, the topic of working time was tackled in 54 sector-level agreements out of about 1,000 agreements signed that year (i.e. 0.5% of sector-level agreements). This small number can be explained by the end of bargaining on the reduction of working time, even though the implementation of the TEPA law had a slight impact at the end of 2007 and in 2008 (unfortunately, we do not have the 2008 report).

After the raft of agreements in 2000-2001, the topic of **flexibilisation/annualisation** was tackled significantly less, but increased again in 2006 and 2007, when there were six agreements each year. Bigger increases are to be expected in future years as a result of the new more flexible laws. These agreements make it possible to set out different working hours during periods of greater or lesser economic activity (with complete flexibility regarding the use of overtime).

Overtime remained an important topic for bargaining on working time in 2007: 12 agreements contain measures regarding overtime and overtime quotas, i.e. more than a quarter of those on working time. No agreement concerned chosen working time in 2007 (which is now incorporated in the new law adopted in 2008). The great majority of the agreements tackling overtime deal with the issue of overtime rates (nine texts), most of them coming in to line with the legal rate, namely 25% more for the first eight hours and 50% more for the following hours. **But the hotels, cafés, restaurants sector (HORECA) provides for lower rates: 10% for the first four hours of overtime (from the 36th to the 39th hour), 20% for the following four hours and then 50% for any others.**

Bargaining was also very much on the size of the annual quota of overtime (seven agreements). HORECA was the only sector to raise the quota above the legal rate: **360 hours** per annum for permanent establishments, 90 hours per quarter for seasonal ones and 130 hours in cases of annualisation.

Eleven agreements tackle the topic of **part-time work**, compared with six in 2006 and five in 2005. It is interesting to highlight **that an one agreement tackles the topic in the framework of gender occupational equality (glass sector). Moreover, two agreements on the employment of older people tackle it in the framework of measures for organising the end of careers of employees over 50.** One agreement provides for attributing numerous guarantees to employees when part-time work is introduced – **especially priority access to full-time work and equal treatment (sport sector).** The other two agreements exclusively concern the topic of additional hours by opening the possibility for the employer to ask employees to work additional hours **within the limit of a third of their contractual time** (beyond the 10% provided by the law) – applying the legal additional payment of 25 % – (*registered management centres sector and animation*).

2.3 Company level

At company level, with 20,170 agreements signed in 2007, 24.5% concern working time (4,933). This is significantly more than the proportion devoted to this topic at sector level. However, the proportion of agreements on working time has tended to continuously decrease since 2005. This decline is part of a long-term trend related to the end of bargaining on the reduction of working time since 2002. It is possible, however, to surmise that the new margin for manoeuvre regarding overtime and overtime quotas will lead to new bargaining. Amongst agreements on working time, there are adjustments to the duration and organisation of working time via, for example, changes to the annual overtime quota and the conversion of RTT days into overtime.

According to a survey, which we made in 2005 with J. Laufer, various types of action have been carried out at company level:

1. Some aim at taking better account of employees' situation, especially that of parents, via **equality**

agreements (Laufer, Silvera 2005), in which the issue of time and the balance between family and work are tackled. For example:

- *Taking better account of parenthood*: More and more agreements on occupational equality have a section on 'parenthood' and emphasise – as is the case at Schneider Electric and Eaux de Paris – the will to promote family involvement of *both* parents and especially fathers.
- *Organisation of working time*: the relationship between family and working life is also tackled from the point of view of the organisation of working time. Thus, at Hurel-Hispano, measures for organising time exist already (reduction of working time, part-time work and variable schedules), but '*new possibilities for occasionally changing variable schedules will be envisaged for parents of children under three and there will be discussions about the timing of meetings*'.

2. Conversely, in recent years, companies are introducing flexible measures that are not in line with employees' choices: some have proposed challenging the 35 hour week, such as the German car equipment maker Bosch, which came to France in 2006. Others challenged the 35 hour week in the name of saving jobs, such as the poultry company Doux. More recently, the computer giant Hewlett-Packard reduced the number of planned redundancies by 350 (940 jobs lost instead of 1,240) after having obtained the assurance that there would be bargaining on reducing the number of RTT days. Bosch's management has several levers for increasing working time, while at the same time maintaining the legal duration of 35 hours, by using the various laws presented above.

But with the new phase of the economic crisis, this is not enough. Given the drop in orders, many manufacturing sectors are using short-time working (days that are not worked and paid 60%), especially in the car and building industries – the government has introduced additional help to make this easier. But, curiously, the amount of overtime has not declined, as one might have imagined: overall, given the 'windfall gains' of recent laws on overtime, companies prefer to use it, rather than recruit staff. In the long term, if the crisis continues, they should stop using overtime.

2.4 Recent policy debates

As we have already indicated, recent debates have been heated in France on flexible working time: challenging the 35 hour week by freeing up overtime; debate on working on Sunday and, above all, challenging the traditional way of regulating time: the law proposed and sectors stood in because of the absence of local agreements, but now companies are in charge and are flexible regarding working time (in the absence of union representatives for bargaining, companies can turn to an employee representative or an employee who is mandated by a union branch outside the company).

3. Working time flexibility: general trends

In France, average working time is longer than the legal duration, namely 37.9 hours per week (41 hours for full-timers and 23.1 hours for part-timers). Unfortunately, we have not found data broken down by gender (except, of course, regarding part-time work). But we know that, on average, full-time women work approximately an hour per week less; the gap regarding the total of full-time and part-time being significantly bigger given that 82% of part-time jobs are occupied by women. Contrary to what might be expected, women are most concerned by working on weekends, and other forms of atypical schedules (evening and night work) are increasing more quickly in women's employment. All of this is linked to the growth of service jobs.

The data provided by Eurostat make it possible to draw up the following picture:

- **part-time work** has increased in the last 15 years, above all for women (aged 15 and over): it represented 24.5% of women's employment in 1992 and 30.9% in 2007. For men these rates were respectively 3.4% and 5.7%. The following data show that young people (especially young women) experience part-time work most: for the 15-24 age group (before having children), part-time work is way above average – in 1997, it reached 40% (as a result of tax measures). The same goes – to a lesser extent – for those over 50, for whom the rates

increase with age. More generally, the rates of part-time work of women, who are in the child-bearing age group, are systematically lower than both ends of the life course. In other words, part-time work is not principally an objective of reconciling family and working life. This phenomenon of using part-time work amongst young people and the over 50s exists for men, but in significantly smaller proportions. It should be recalled that job creation concerns women in the 25-49 age group more.

Data on the rates of part-time work in France by gender and age (Eurostat)

	Women	Men	Total
1992 total +15 years	24,4	3,4	12,9
15 –24 years	26,6	9	17,2
25-49 years	23,4	2,3	11,7
50 years and +	28,7	4,7	15,1
1997 total +15 years	31,5	5,6	17,6
15 –24 years	40	15,7	27
25-49 years	30,5	4,1	16,3
50 years and +	31,8	7,2	18,6
2002 total +15 years	30,2	5,1	16,9
15 –24 years	31,3	11,6	20,2
25-49 years	29,8	3,7	16
50 years and+	31,4	6,2	18,2
2007 total +15 years	30,9	5,7	18
15 –24 years	34,5	12,9	22,6
25-49 years	29,7	4,1	16,6
50 years and+	32,9	7,3	20,3

- **Work on Saturdays** is very frequent, especially for women. In 2007, it greatly increased, because a third of women regularly work Saturdays (23% of men) – it was the case of only 24% of women (16% of men) in 1992. Young people, especially young women, are most concerned: almost 43% of them worked Saturdays in 2007.

Data on work on Saturdays by gender and age (Eurostat)

	Women	Men	Total
1992 total +15 years	24,3	16,4	19,9
15 –24 years	33,1	21,1	26,7
25-49 years	22,6	15,9	18,9
50 years and+	25,2	15	19,4
1997 total +15 years	22,4	16,2	19,1
15 –24 years	34,6	24,5	29,2
25-49 years	21,7	16	18,6
50 years and+	19,2	12,8	15,8
2002 total +15 years	24,1	18,2	20,9
15 –24 years	38	23,9	30
25-49 years	22,9	18,1	20,4
50 years and+	21,7	15,2	18,3
2007 total +15 years	32,1	23,5	27,7
15 –24 years	42,8	27,3	34,4
25-49 years	32	23,7	27,7
50 years and+	27,9	21,1	24,5

- **Work on Sundays** remains more marginal (10% of all employees in 2007), but has tended to increase rapidly in recent years – women are also most concerned (but the gaps are smaller than for work on Saturdays). 7.7% of women worked on Sundays in 2002 - now 13.3% do so. Young people are once again most affected, especially young women in 2007 (more than 17% of them worked regularly on Sundays).

Data on work on Sundays (gender and age) Eurostat

	Women	Men	Total
1992 total +15 years	5,1	4,9	5
15 –24 years	7,1	7,7	7,4
25-49 years	4,7	4,5	4,6
50 years and+	5,3	4,7	5
1997 total +15 years	5,7	5,7	5,7
15 –24 years	9,1	9,9	9,5
25-49 years	5,5	5,4	5,4
50 years and+	4,6	4,7	4,6
2002 total +15 years	7,7	7,3	7,5
15 –24 years	10,7	9,6	10,1
25-49 years	7,4	7,3	7,3
50 years and+	7,2	6,1	6,1
2007 total +15 years	13,3	10,9	12,1
15 –24 years	17,3	12,5	14,7
25-49 years	13,9	10,8	12,3
50 years and+	9,8	10,3	10,1

- **Evening work** is used relatively little (14% of all employees in 2007). But it has increased greatly in recent years for everyone, although mainly for men (19% of men in the 25-49 age group in 2007).

Data on evening work (gender and age) Eurostat

	Women	Men	Total
1992 total +15	5,3	7,6	6,6
15 –24 years	6,1	10,6	8,4
25-49 years	5,4	7,5	6,6
50 years and+	4,5	5,9	5,3
1997 total +15	6	9	7,6
15 –24 years	7,5	11,1	9,4
25-49 years	6,1	9,2	7,8
50 years and+	5,1	6,9	6
2002 total +15	8,6	12	10,4
15 –24 years	11,9	13,5	12,9
25-49 years	8,5	12,3	10,5
50 years and+	7,6	10	8,8
2007 total +15	14,2	18,3	16,3
15 –24 years	17,6	16,6	17,1
25-49 years	14,6	19,1	16,9
50 years and+	11,6	16,6	14

- **Night work** is also more widespread amongst men (9% of men and 4.1% of women worked nights in 2007). But we note that women's night work doubled between 2002 and 2007, whereas it had stagnated at about 2 to 3 percent in the previous decades. This could be the result of the lifting of the ban on women's night work in industry (in 2001).

Data on night work (gender and age) Eurostat

	Women	Men	Total
1992 total +15	2	4,9	5
15 –24 years	1,6	6,2	4
25-49 years	2	5,1	3,8
50 years and+	2,2	3,7	3,1
1997 total +15	2,2	5,4	3,9
15 –24 years	1,9	5,9	4
25-49 years	2,2	5,9	4,2
50 years and+	2,1	3,4	2,8
2002 total +15	2,8	7,3	5,2
15 –24 years	2,9	7,3	5,4
25-49 years	2,8	7,8	5,4
50 years and+	2,6	5,7	4,2
2007 total +15	4,7	10,6	7,7
15 –24 years	4	8,6	6,5
25-49 years	5	11,5	8,3
50 years and+	4,1	9	6,5

Additional national statistical data:

Additional data on night and evening work consolidate what has just been said: even if women work less in the evening and at night, there was a big increase between 1991 and 2002, especially for women - in 1991, women represented a fifth of night work, but a quarter in 2002. Night work is accumulated with staggered schedules and weekend work, especially for women: 90% of women who work at night also work on Saturdays (compared with 83.7% of men); 81.6% of these women work on Sundays (69.4% of men). Moreover, night work increases the risk of having variable schedules from one day to the next, that can be changed by the company.

- **Shift work** is the only form of flexibility that has declined over the last 15 years – it used to concern 12% of employees (especially 15% of men), but only 8% today (10% of men).

Data on shift work (gender and age) Eurostat

	Women	Men	Total
1992 total +15 a	8,5	14,8	12
15 –24 years	9,4	14,7	12,4
25-49 years	8,7	15,6	12,5
50 years and+	6,6	11,1	9,1
1997 total +15a	6,6	10,9	8,9
15 –24 years	7,8	12	10,1
25-49 years	6,8	11,3	9,2
50 years and+	4,9	8,6	6,9
2002 total +15	7,1	11,8	9,6
15 –24 years	8,4	12,6	10,8
25-49 years	7,4	12,4	10,1
50 years and+	5,1	9,3	7,3
2007 total +15	6,3	10,1	8,2
15 –24 years	7,7	8,3	8
25-49 years	6,8	11,3	9,1
50 years and+	4,3	7,5	5,9

- **Overtime** (more than 48 hours, whatever the system) is done above all by men (in 2007, 5.1% of women in employment and 12.2% of men worked more than 48 hours per week). There has been An increase in the use of overtime in the middle of the current decade. It was stable (about 3% amongst women); it even dropped amongst men in 2002. This is certainly linked to the introduction of more flexible measures regarding overtime. Moreover, the

proportion of employees concerned increases with age for both women and men.

Data on overtime (gender and age) Eurostat*

	Women	Men
1992 total +15	3	8,9
15 –24 years	2	5,3
25-49 years	3,1	9,4
50 years and+	3,7	9,3
1997 total +15	3,3	9,6
15 –24 years	2,2	5,7
25-49 years	3,3	9,8
50 years and+	0,4	10,2
2002 total +15	3,4	7,7
15 –24 years	1,2	2
25-49 years	3,3	3
50 years and+	4,8	11
2007 total +15	5,1	12,2
15 –24 years	2,7	4,3
25-49 years	5	12,7
50 years and+	6,2	14

* jobs of more than 48 hours as a % of the category's jobs

Data on other dimensions of flexible working time (2004 ad-hoc module on work organisation and working time arrangements).

According to these data, schedules are fixed for the majority of French people (slightly less so for women), but the proportion of men fixing their own schedules is not negligible and significantly bigger than that of women (11.3% for men and 7% for women), compared with other European countries, where the proportion is about 3-4%. The possibility of varying schedules via an individual agreement is also about 13%. However, as far as innovating is concerned (working time banking), only a minority of people in employment are involved in France.

Determine own work schedule (no normal boundaries): 11.3% of men and 7% of women in employment are in this case in France
Fixed start and end of a working day: 70.2% of men and 71.5% of women
Staggered working hours, banded start and end : 3.3% of men and 2.7% of women
Start and end of a working day varying by individual agreement : 12.7% of men and 14.5% of women
Working time banking with possibility only to take hours off : 0.6% of men and 1.4% of women
Working time banking with possibility to take full days off : 1.9% of men and 3% of women.

4. Working time flexibility: national research

There was a lot of research on working time at the time of the 35 hour week (on the macro-economic effects of this measure; on employees' expectations; on changes in work organisation, and so forth). Since then, these themes have not been studied much, whereas it would be interesting to know how companies use the new margins of manoeuvre offered by recent laws. We therefore present here work that is sometimes old (end of the 1990s, except for themes such as part-time work and arrangements regarding working time in the context of 'reconciling' times).

4.1 Flexibility in the length of working time (part-time work; long hours; overtime, etc.)

- *Part-time work: chosen or imposed?*

In France, part-time work remains 'cursed' (as Michel Rocard, a former political leader,

emphasised). Indeed, the result is globally negative: part-time work developed for economic rather than social reasons – work-life balance sought after via part-time work remains marginal when jobs are created.

Part-time work is still the most feminised form of employment – and the one that has developed fastest since the 1980s in France. It has more than doubled since the 1980s (and especially since the beginning of the 1990s). It now represents 31% of women's employment (6% of men's employment). **83% of part-time workers are women** (i.e. more than 3 million women). At the beginning of the 2000s, there was a slight decline in the growth of part-time work (with the end of exemptions from employers' contributions for companies), but since 2004, it seems to be increasing again.

We also know the extent to which part-time employees are not a homogeneous group. Part-time recruitment sought by companies has increased most in recent years.

It is possible to identify four different rationales of part-time work in France:

1. Part-time work is a *way of managing the female labour force* (in some sectors, such as commerce, cleaning and personal services).
2. *A measure of employment policy* aimed at 'enriching the content of the growth of jobs' (by exemptions of employers' contributions until 2000) and a mode of transition at the point of entry to and exit from the labour market (for both younger and older men).
3. In other cases, it deals with a problem of *lack of childcare places*.
4. Finally, a situation which is unfortunately rare: *a way of organising genuinely chosen schedules*, for everyone, depending on the phases of the life course (especially in the civil service and banks).

Overall, **the features of part-time work** remain in France, a real sign of **insecurity**: all the inequalities, to which a large proportion of women are subjected in the labour market, are reinforced:

- part-time work is massively **low-skilled** and concentrated in few occupations (cleaning, commerce, personal services - sectors where there are many women);
- the employees concerned are often victims of working and employment conditions that are very insecure (atypical, late and staggered schedules; combined fixed term contracts and part-time work) **and these are not the ideal forms for work-life balance, on the contrary!**
- **length of part-time work** is on average 23 hours, but with big groups at both ends (less than 15 or more than 30 hours);
- and of course **low paid** (both hourly and especially monthly): studies of low and very low paid workers have shown that their increase in France can be explained by the increase in women's part-time work. Women represent 77% and 80% of the low and very low paid (and in 74% of the cases, they work part-time). They thus earn less than €800 or €600 per month. But it is often thought that this situation is compensated for at the level of households (because they are not necessarily in poor households). However, it should be remembered that auxiliary income is an out-of-date concept – in more than 60% of cases, even with low pay, their income is vital for their household (either because they are lone parents or because their partner does not earn much).
- Conversely, we are not surprised to observe that less than **6% of executives** work part-time. One does not (or rarely) make a career on a part-time basis. Studies of the **civil service** have shown that part-time employees – even when they ask for it – do not have the same access to promotion and the same careers afterwards – they give a negative signal regarding non-

involvement in their work and are thus under-valued.

- **The age of part-time employees** does not correspond with that of motherhood - part-time work has developed at both ends of economically active life. In Europe, more than 40% of part-timers do not have children.

These features define so-called imposed part-time employment, so we should examine more closely the destiny of those who ask to change to part-time work. Questions can be asked about **measures of under-employment**: as it is estimated that 41% of part-time employees are in this situation, can one therefore consider that 59% of part-timers are satisfied with their job and the number of hours they work? Is not this refusal to 'work longer' conditioned by other constraints (such as transport problems, a partner working very long hours and so forth). In other words, is it not, to a great degree, a case of 'imposed choice' rather than a really free choice, which is said to be a privilege reserved for women alone?

There is thus much confusion in France, when one talks about part-time work, because it is true that certain employees (especially women) choose part-time work. In France, a survey by Dares uses a fairer indicator. This survey of part-timers separates the recruitment contract from the employee's request for part-time work (because of children). For the majority, it is above all **a recruitment contract** (for 50% of women and 70% of men) and only 34% of women and 6% of men ask for it because of their children. One can thus see that, including for women – and contrary to people's impressions - part-time work is not a personal choice.

Thus the recent increase in part-time work in France cannot be analysed only on the basis of employees' behaviour in relation to economic activity and their requesting this form of employment – even if such a principle exists. **It reflects, above all, working time policy, which encouraged companies until recently** to create or develop part-time positions via special contribution exemptions, which were abolished by the second Aubry law on the 35 hour week. It could be thought that these exemptions were going to create jobs in new sectors of economic activity and even for new categories of employees, but, in fact, they reinforced a practice that already existed in precise sectors for targeted groups of employees, namely sales staff and checkout staff, as the rate of part-time work in this kind of activity became the norm (the majority of checkout staff work part-time, as well as 76% of cleaners and those working in personal services). **This represented a windfall gain for these companies** (it should also be noted that the recently adopted principle of reducing social contributions for overtime for 10% of additional hours worked by part-timers is also a windfall gain – for example, it is in employers' interests to recruit people for 15 hours per week, when they need people working 17 hours and thus give them 2 hours of additional work).

Thus, whatever the rationale behind part-time work, the employees concerned are penalised and that is why it remains occupied by women. It is thought that part-time work is 'good for women' even if their living conditions are difficult, because they are said to be less involved in their work and need to be available for their families. **When one talks about part-time work, one thinks of women – for various reasons – especially with reference to their position in the domestic sphere, where in the end people think that 'pin money' (auxiliary income) would be enough for them...** The only criteria that is legitimately recognised in companies for asking for special arrangements is that of the family, but the price of such arrangements is high in terms of career and promotion.

The case of checkout staff

The organisation of schedules in hypermarkets affects the health and family life of checkout staff. A study by C. Gadbois and S. Prunier-Poulmaire (2000), of 5 hypermarkets in the Paris region shows the extent to which the general system of organising schedules leads to various problems and even illnesses, and makes life outside work difficult.

- The features of the organisation of schedules are similar in many hypermarkets: generalised use of part-time work (80% of checkout staff); use of additional hours (not paid as overtime) – a third of part-time check out staff work longer than their normal hours more than once a week; there is much evening work (55% of them work three evenings after 8pm and often until 10.30pm); schedules vary from day to day and week to week (rest days vary and rarely on the weekend and two consecutive days); breaks are not respected; 40% of part-time checkout staff lost at least one break per week.
- The impact on health is serious – more than half complain of back- and neck-ache; **a third suffer from gastric problems (because of irregular meal times); 18% suffer from arrhythmia and 15% from high blood pressure. These results are even more serious as 70% of checkout staff are under 30.** Moreover, psychological disorders have appeared (depression, stress and anxiety). Thus, the study revealed that *'checkout staff working variable schedules are more often affected by psychological problems than those on fixed schedules (nervousness: 43% compared with 29%; stress: 60% compared with 40%; depression: 40% compared with 30%; anxiety: 50% compared with 37%). This is reflected in the use of medicine, such as sleeping tablets (13% compared with 2%), anti-depressants (15% compared with 2%) and tranquillisers (12% compared with 4%)'* (Gadbois, Prunier-Poulmaire).
- Consequences for life after work are also big - difficulties in looking after children, especially when the time of the end of their work is poorly defined; difficulties in having a social life and so forth. The lack of control over one's work schedules affects control of life outside work and generates anxiety on top of that related to working conditions. Strategies for organising the family, which are usually developed in industry, where shift work exists, are not possible here because schedules are significantly less foreseeable. This leads to very high turn-over (20% on average).

- *The 35 hour week: what are the results for equality?*

Women generally work less than men. It is customary to think that 'specialisation of roles' affects this area: men are over-involved in their occupations and women are over-involved in domestic work. However, women's imposed time (both in terms of occupational and domestic time) **exceeds that of men by half an hour each day** (Brousse, 1999).

The effects of the reduction of working time are not situated only in relation to work organisation. The first impact on time outside work is very certainly that of enabling them to change their pace of life and take their time. Without, at first, seeking to take on board new leisure, cultural or community activities, they mostly express the need to relax. This reaction is all the greater if employees have arduous working conditions, in which the reduction of working time has been accompanied, in their view, by intensified pace at work. This is even more the case for women employees with families, and for whom domestic work is still a 'reserved' area. The result of the reduction of working time, especially with the transition to the 35 hour week, is in fact varied...

RTT: a factor improving life outside work?

An initial revealing observation is that although women are less frequently union members, they are more present in bargaining on RTT and, above all, there are more of them among the mandated representatives¹. This confirms that the issue of reduced working time mobilises women, more than other bargaining topics, very certainly because it concerns the organisation of life at work – and also

¹ Mandating makes it possible for a non-union member to negotiate and sign an agreement in a company, by being mandated by a representative union, cf. C. Dufour, A. Hege, C. Nunes, *La place des femmes dans les comités d'entreprise*, étude Ires/Dares, 2000.

outside work. More generally, available surveys on employees' perceptions of the reduction of working time emphasise **more marked satisfaction amongst women, for whom the outside-work dimension** is more often a priority. Thus, during our survey on 'sharing work' (Anxo et al.) the position of certain men employees, to whom a collective reduction in working time had been proposed, was rather reluctant at the beginning, as they saw it as a sign of less involvement in work. We thus heard some of them say that the reduction in working time was '*good ... for women*', for whom involvement in the family was said to be a priority. For them, reducing working time meant going over to part-time work and jeopardising the inflexible principle according to which '*skills rhyme with presence and availability in the company*'. But this reluctance in fact disappeared quickly once the reduction of working time was adopted. Most experiences made it possible for employees – after a period of adaptation and learning – to organise their life outside work better, to have more time for themselves and their family (including men). In the end, 75% of them (73% of men and 77% of women) say they are satisfied with the agreements.

The reorganisation of domestic tasks, their improved distribution throughout the week, and sometimes even their development, is very certainly the main source of employees' satisfaction. Indeed, significantly more women than men say they '*lacked time*' before the reduction in working time, including in identical occupational grades and family situations (Dares, 2001)². This observation was already made in other older studies (Kergoat, 1984, Daune-Richard, 1983). The risk, however, is to make some domestic tasks that are carried out during time that was worked even more invisible – out of sight of partners and children, who are involved in activities outside the home. If the aim of this new organisation is to really 'free up week-ends' and devote them to relaxation and leisure activities with the family, then the assignment of domestic work exclusively to women could be reinforced. This is even more the case when the day off is not a fixed one, but varies from week to week, thus limiting the possibility of having a new regular outside activity (sport or studies). Contrary to certain expectations, the reduction of working time has not had, for the time being, a great impact on improved sharing of domestic tasks, even if some changes are taking place (Silvera, 1998). Thus, the desire to want to devote more time to one's children is equally shared by fathers and mothers (Dares, 1999), but cannot be identified statistically... (Brousse, 1999, Barrere-Maurisson, 2001).

...but some risk of deteriorating working conditions and discrimination amongst women themselves.

Although marked improvements can be seen outside work, it is not the case for working conditions: according to a study by Dares (2001), worse working conditions were identified in 28% of cases. Although this result is the same for all men, regardless of their occupational category, this is not the case for women: **35.4% of unskilled women, but only 18.4% of women executives, consider that conditions have deteriorated.**

Different surveys, which were made after the agreements on the 35 hour week, show that **employees feel a relatively big deterioration of their working conditions.** In fact, it all depends on the initial work organisation, margins for manoeuvre given to employees when implementing RTT as well as the occupational categories concerned. The more rigid the system (limited choice regarding the form of RTT) the less satisfaction there is. According to Charpentier *et alii* (2004), RTT seems like a factor of **intensifying work**, especially because of the abolition of certain breaks. Above all, if it involves jobs that require contact with clients, organisational constraints are greater

² According to this supplementary survey, 48% of women, compared with 36% of men say that they lacked time before RTT, and, above all, 57% of women with young children, compared with 45% of fathers in the same situation.

and create a new source of stress. More precisely, **unskilled women refer much more than others to problems related to flexibility and unforeseeable schedules** (Cette, Dromel, Meda, 2004). Thus, in certain agreements, the reduction of working time led to reduced breaks and of the time available for exchanging information between shifts – in short, signs of intensified work that led to a recurring remark: 'we're asked to do the same work in less time'. Moreover, insufficient notice for changes has also led to new forms of tension. Thus, many companies hardly seem to respect the length of notice provided for in agreements - using the requirements of flexibility as an excuse - demanding, in a more or less informal way, that employees accept unforeseen changes, sometimes from one day to the next. It is obvious that constraints regarding family organisation are greatly upset by such practices, especially as unskilled women use outside help less for looking after their children.

All these factors confirm women's big expectations regarding the reduction of working time. But it is clear that some of them – least skilled mothers – have an ambivalent attitude to the reduction of working time: the advantages that have been obtained in the sphere outside work end up being absorbed by increased constraints at work that are felt most by those employees whose work pace is imposed.

4.2 Flexibility in the organisation of working time (variable start and end times; weekend/evening work; saving hours/ personal accounts; self-rostering etc)

- *night and evening work*

Working time is on average close to 35 hours per week (it was 35.6 hours in 2004, according to the Acemo survey), but, at the same time, there is a **growth of atypical schedules, annualisation and flexible schedules**. This process, which was gradually introduced in the 1980s, seems to be on the increase with RTT. Even though, as M. Lallement (2003) recalls, half of all employees continue to work 'normal' fixed days, this does not stop there being a real trend towards flexible schedules (almost 40% of employees are concerned).

Detailed data on atypical schedules were collected in the 'working conditions' surveys, which unfortunately goes back to 1998. There were, nevertheless, interesting results, such as the **'widespread' use of Saturday work concerning almost half of all employees, and more than 40 hours per week for almost a third of all men** (all of this is in line with the Eurostat data that was presented in the previous section).

In industrial companies studied in our survey (Anxo *et alii*), agreements on the reduction of working time made it possible to systematically introduce night work for women (which had been authorised throughout industry in 1991). Night and end-of-week (Fridays, Saturdays and Sundays) work is often seen as a deterioration of working and – unlike part-time work – living conditions. But we met several employees, who volunteered for night work and did not feel that it represented a deterioration of their living conditions. There are several reasons for such a choice. For some people, night and week-end work makes it possible to develop activities outside work more effectively: childcare, sport, studies and so forth. This option is particularly interesting as it generally involves considerably shorter working time (between 24 and 27 hours per week). But if one measures all the ambiguities of such a 'choice', outside work activities are not the only reason. They often refer also to the financial aspect. This is above all so for the low-skilled and when reduction of working time is accompanied by a substantial loss of pay, which is frequently the case in the local agreements studied. There is also another reason: night and week-end work provides more autonomy and, despite the deterioration of working conditions, is considered to be less stressful. At night, hierarchical constraints are not so strong, there are fewer instructions to respect and one can get round them more easily, and sometimes the workload is not so great. Night work is

also seen as a way of ensuring better occupational integration and not to totally lose out on promotion. In industry, women's access to night shifts is seen by some of them as the only way of entering an occupation (pay, promotion, responsibility and so forth).

- *Time constraints*

Besides measuring working time, work pace, variability and all the different constraints that weigh on working time should be taken into account. It is supposed that women relatively avoid such constraints, as they work more often during the day and less at night, etc. It has even been said that the 'medal regarding regularity often belongs to women' (Fermanian, Lagarde,1998).

Fançois-Xavier Devetter (2004) challenges such a vision. He develops an index of time availability in order to take into account the quality of time - not only its duration – i.e. foreseeable schedules, work pace and so forth. This index of time availability is indeed higher for men (this indicator of 'exceeding the time norm' is on average 11.1 for women and 16 for men), as it corresponds to certain recognised forms of time constraints. Also in this area, time availability is related to social and gendered models and is socially less recognised for women: 'Time availability does not give the same 'signal' depending on whether it is offered by a man or a woman (...) although long days and long breaks within working days increase comparable tensions between social times, only the former are considered to be positive by employers' (Devetter, 2004).

Concretely, the following data provide a completely different picture of atypical schedules. In the first part of the table, visible forms of atypical schedules concern men more, whereas the second part on less recognised criteria (imposed schedules, absence of two consecutive rest days and so forth) reverse this observation. Fewer women, for example, work at the end of the week regularly or occasionally (the criteria that is most often used in statistics) **but more of them have these schedules regularly (more often than every third Saturday or Sunday).**

Proportion de employees with atypical schedules, by gender

	Men	Women
"Visible" forms of atypical schedules		
Night work	20,4	6,4
Saturday work	49,1	45,1
Sunday work	27	22,5
Usual working time more than 40 hours per week	28,6	14,7
End of work after 7.30.pm	14,3	11,8
Invisibles forms of atypical schedules		
Proportion of employees who cannot change their schedules if something unexpected occurs	39,6	43,2
Absence of 48 hours consecutive rest time	19,1	22,8
Work more than every third Saturday	26,2	32,2
Work more than every third Sunday	12,2	12,7
Impossibility of interrupting work	25,4	32,2
Break of more than 3 hours	2,6	5

Source: Enquête Emploi, supplément conditions de travail 1998, repris de Devetter, 2004

These data reflect the concentration of women's jobs in sectors of activity where this time availability is considered to be 'natural' and not negotiated: for example, commerce has been studied regarding time constraints imposed on women. The same goes for personal services and health (Angeloff, 2000).

4.3 Innovative working time arrangements (e.g. teleworking, working at home etc)

The theme of innovation regarding forms of organising working time is often referred to (for example in company agreements), but has not been studied in depth in recent years. We only know that the development of teleworking is one of the tools used for reconciling times provided certain conditions exist: enabling employees concerned to have several days per week in the company in order to maintain contact and the work collective; ensuring that the real time actually worked is measured in order to avoid work taking over life outside work, etc.

Teleworking can take place³ :

- at home alternating with time in the workplace: it can be managed by a collective agreement that sets out the regularity of this work;
- at home occasionally: rarely formalised, it is rather an irregular form of working at home practised by managers and experts;
- decentralised in buildings that are closest to the worker's home;
- mobile or nomad, outside the company, during business trips.

Advantages

This type of work organisation enables:

- *employers*:
 - to be flexible in the way their teams are managed;
 - to avoid redundancies when companies are transferred to another place;
- *employees*:
 - to save travelling time between home and the workplace;
 - manage their time better;
 - to make work-life balance easier to organise;
 - to be more motivated in conditions of greater employer confidence;
 - to work in conditions of temporarily reduced mobility.

Inconveniences

Teleworking can lead to difficulties in carrying out work both for employers and employees:

- *for employers*:
 - equipping the teleworker's workplace at home (computer and telephone, etc.);
 - ensuring the organisation of regular meetings for teleworkers with their work colleagues;
 - ensuring equitable sharing of daily task with office colleagues;
 - discontent of employees whose function does not enable them to practice teleworking;
 - defining the criteria for meeting or refusing requests for teleworking;
- *for employees*:
 - acquiring additional skills: managing a budget, doing accounts, knowing how to manage one's time;
 - separating working time from time devoted to the family and domestic tasks;
 - being accessible for team colleagues and clients.

L'Oréal Experimenting teleworking (2008): Sector: Cosmetics Staff: 63,000 of whom 11,300 are in France
Geographic installation: Present in 5 continents

The parties wish to have the possibility of experimenting teleworking in certain occupations in a controlled way and based on the following principles:

- meeting the mutual desire of the employee and the company;
- for a fixed period;
- when work organisation makes it possible;
- with regular alternating periods at home and work within each week in order to conserve the link between the employee and the company.

³ This part is based on work done by ORSE, *Guide des pratiques d'égalité professionnelle*, due to be published soon

Information and communications technology (ICT) make it possible for employees, and especially managers:

- to divide their working time in order also to meet family constraints (taking their children to and from crèche and school, etc.);
- to be able to work from time to time at home in case of emergencies (child's illness, receiving a delivery at home and so forth) and when there are transport problems.

However, it may be necessary to manage ICT, especially in order to avoid permanent penetration of work into employees' personal life and ensure that employees have '**the right to disconnect**', i.e. time when they have the right not to be contacted and not to have to meet requests coming from both the company and clients (on their mobile, electronic messaging and so forth):

Extract from a document by [CFDT Cadres](#) on e-work and teleworking (December 2004)

Proposal 8: Each teleworker is not on permanent call 7 days a week and 24 hours a day and should be able to disconnect from the company.

The right to disconnect must be respected (we are deliberately not talking about the right to isolation, because this term can be ambiguous for teleworkers who sometimes feel a certain degree of isolation, which they can suffer from and it would be incomprehensible that they ask for it).

This right to disconnect must guarantee employees separation between working life and private life. They are not on permanent call 7 days a week and 24 hours a day.

Besides respecting labour law, some adapted measures can guarantee this right to disconnection (laying down the times during which employees can be called or not called or give priority to the employee calling and not to the caller, etc.).

- *giving the possibility to part-timers to work full time*

In many sectors, (especially in large-scale retailing), part-time work seems to be imposed on employees. Some companies have developed the concept of versatility.

Versatility at Carrefour Number 2 world leader of large-scale retailing

Multi-activities makes it possible for checkout staff to increase their contractual working time by carrying out new tasks in a part of the shop that is different from where they usually work.

An opportunity that gives them the possibility of improving their daily life in the shop, both in terms of pay and their skills.

Benefits for employees

- they benefit from additional pay by working in another part of the shop;
- they broaden their activities to other occupations and thus their occupational horizons;
- they improve client satisfaction and increase sales.

- *An experience of self-rostering*

Checkout tills at Carrefour⁴

A sector of checkout tills is composed of between 50 and 250 checkout assistants. Before 1998, schedules were imposed by till managers, while a system of free choice was proposed in some shops.

- Clients were dissatisfied with the lack of fluidity at the tills and checkout assistants were dissatisfied with their schedules. Indeed, this category is most affected by long opening hours – hypermarkets are open from 8am to 10pm 6 days a week.

In 1998, Brest benefited from a system of 'schedule islands' that enable checkout staff to participate in planning their schedules. The system was studied and tested in 6 shops in France. It meets clients' expectations and also needs expressed by checkout assistants, who seek work organisation that enables them to improve work-life balance.

In 1999, the signature of the New Collective Agreement included the 'schedule islands'. Today, 20,000 checkout assistants in 160 hypermarkets (i.e; 85% of hypermarkets in France) participate in planning their schedules.

There are three aims:

For clients: improving the image of the chain-store (rapidity and friendliness);

For the checkout assistants: enabling employees, who are subjected to greatest working time constraints, to participate in planning their schedules and thereby improve their quality of life, while at the same time adapting working time to the shop's economic activity;

For the chain-store: optimising time worked by adapting the presence of checkout staff to client flows.

⁴ This example comes from the Observatory on parenthood.

5. Working time flexibility: evidence from a life course perspective

Taking into account life courses in the context of working time is under discussion in France: it concerns above all late entry into the labour market and the problems of young people's search for their first job; it also concerns older people's exit from work that is too early – their rate of economic activity is amongst the lowest in Europe. Both aspects affect financing pensions (and the reforms that have been made). However, there is little research on young and older people in terms of working time, time organisation and innovation. The only measure that is envisaged and exists is part-time work (as a transition on entering and leaving the labour market). As for the intervening age group, many recent measures (which we have partly referred to above) focus on parents. Indeed, this is the age which is most difficult for women in particular, and when the issue of reconciling for *both* parents (parenthood) arises. Finally, another topic appears to a much smaller extent, namely life-long training and thus times for 'having a breather' and changing paths in the form of leave for specific themes (but there is little or no research on this).

5.1 Flexibility in the length of working time (part-time work; long hours; overtime etc.)

5.1.1 Young persons entering the labour market

As far as we know, there are no specific studies of young people and working time, nor any agreements on this issue. What is certain, however, is that longer studies and students' financial difficulties mean that there has been an increase in part-time 'student jobs', which are sometimes only week-end jobs. According to a CSA study carried out in 2005, almost two thirds of students (65%) said they had already done paid work besides official internships. Moreover, the proportion of students who have already done paid work is closely correlated to the social milieu that they come from (68% of students, whose head of family is in an intermediate occupation and 52% of children of employers in industry and commerce) and also to where they live: 58% of students who live with their parents have already done paid work, whereas 74% of those who pay rent have done so. Thus, a majority of students have already worked and this trend is greater in milieus and situations where it is not just a question of wanting to work, but of needing to do so.

There is thus the problem of reconciling paid work and studies. **Only 6% of students benefit from special arrangements.** This figure should be put into perspective as only 25% of students have been prevented from attending courses or exams, and paid work during the academic year concerns a little more than half of the students that have done paid work. At the same time, 20% of respondents who had done paid work said that the company made arrangements that made it possible for them to combine work and studies – this is less the case for undergraduates (8%, compared with 28% doing a masters and 25% doing a doctorate).

When students are asked about the frequency with which they work, almost half of them (**47%**) **say that they only work during holidays; 35% have worked all year long and 18% only during the academic year.** Existing differences are to be found: women work more throughout the year (38%) than men (32%) whereas only during the academic year, 21% compared with 14% for their male counterparts, whereas 54% of the latter limit their paid work to holidays (41% of women).

According to another study (made by the Observatory of student life), of the students who have an economic activity, 18.6% work at least half-time at least six months per annum (i.e. 8.5% of all students), 15.3% work full-time (7% of the total). As far as the competition between work and studies is concerned, obviously paid work that is part of studies has to be excluded (for example, student teachers, university assistants, medical intern- and externships). They concern 22% of students who work and 10% of all students (and are often done by students from higher social classes). Paid activities that are not related to studies are very varied and range from traditional

student jobs to full-time occupations, from unskilled operatives to skilled work that can lead to recruitment. Looking after children is most often referred to (mentioned by 26.6% of students who work during the academic year), private lessons (16.7%), and also shop work (20,2%). The various jobs which have differing time requirements do not compete with studies to the same degree. **The proportion of students who work full-time varies a lot depending on the kind of work: from 45.8% for executives, 33.3% for school back-up assistants, 31.6% for nursery and primary school teachers to 11% for office workers, 8.6% for animation assistants, 8.1% for manual workers, 6.5% for shop workers, 6% for students who give individual private lessons, 4.7% for survey workers, and 4.2% for looking after children.** Amongst students who work, many have done or are doing several jobs. Most frequent combinations rarely involve full-time jobs: looking after children and individual private lessons; looking after children and shop work; looking after children and involved in animation; private lessons and shop work.

5.1.2 Prime age workers/parents

- Firstly, thirty or so big companies (L'Oréal leading the way) have launched ***a charter on parenthood***:

On 11 April 2008, **a charter on parenthood** was adopted:

Promoting parenthood in companies means accompanying fathers and mothers regarding the **balance of their pace of life: living better and working better.**

Taking into account employees' parenthood is part of an approach that respects occupational equality between men and women.

It encourages a working environment where employees who are parents can reconcile better their working and family lives.

By signing this Charter, our company shows its will to introduce concrete measures promoting parenthood.

In the context of this Charter, we undertake to:

Make progress regarding images related to parenthood in the company

- raise awareness of our human resources directors and our managers about what is at stake in taking better account of parenthood inside the company
- inform all of staff about our undertaking

Create an environment that is favourable to employees who are parents and especially to pregnant women

- promote reconciling working life/ personal life of employees who are parents
- adapt working conditions for pregnant women

Respect the principle of non-discrimination in career development of employees who are parents

- prevent and eliminate discriminatory practices for employees who are parents within our human resources practices
- promote managerial practices and behaviour that respect the career development of employees who are parents

- ***Actions of companies in order not to penalise employees who 'choose' part-time work (especially parents)***

Companies can reaffirm the principle according to which part-time work:

- 'is not considered to be a sign of lack of interest in their occupational activity; promotes occupational effectiveness of those who have chosen this kind of organisation of their working time' (BNP Paribas 2007);
- ensure that all work positions and positions of responsibility are accessible to part-timers.

But there is no consensus in companies as to the fact that all work positions and positions of responsibility could be carried out by part-timers. Some companies have reservations (*'certain functions and responsibilities are incompatible with adjusted work schedules'*)

Schneider Electric Agreement (2004)

Schneider Electric Industries will ensure that measures concerning chosen working time are promoted by managers to their teams so as to recall that access to this kind of organisation of working time is offered to both men and women. Management must in no way restrict access to reduced working time especially for men, nor take into account this kind

of organisation of working time in relation to their staff's promotion.

- ***Facilitating passing from full-time to part-time work and conversely***

Companies must facilitate passing from full-time to part-time employment in the context of accompanying requests and ensuring that bonus targets are reviewed.

L'Oréal undertakes that management ensures the compatibility between work organisation and work loads of a part-time employee, on the one hand, with their working time, on the other. For example, a part-time employee must have targets that are in line with part-time activity.

To this end, L'Oréal undertakes to adapt the job content of part-timers, by introducing a monitoring procedure. Thus a meeting between the head of department and the employee must be arranged in order to examine the way in which the position will be organised in the framework of part-time work.

5.1.3 Older workers

In France, few companies make commitments in this area as early retirement (departure between 50 and 55) has dominated human resources management. Today it is estimated, according to the Ministry of social cohesion, that only **11% of companies have introduced a specific mechanism concerning older employees** (adjustments to working time and conditions, specific training and additional pensions, etc.).

However, two sector-level agreements exist concerning the development of older employees' employment:

- *The processed food industries* negotiated in 2007 an agreement on the employment of older people, which dealt especially with **chosen part-time work**. It involves enabling older workers to be able – with the agreement of their employer – to adjust their working time by working part-time. This adjustment of working time at the end of careers for older employees can take the form, notably, of shorter daily working time or longer annual leave, which is paid or unpaid (for example using days accumulated in a time-savings account). This results in reducing annual working time – expressed in annualised days or hours – to less than the working time applicable in the company for full-time employment. This means that a time-savings account can be used in the context of an adjusted departure or for compensating time that is not worked as a result of transferring to chosen part-time employment.
- *The processed pork meat* sector signed an agreement on adjusting working time at the end of careers, providing for older employees to benefit – in agreement with their employer – from adjusting their working time in the form of part-time work.

At company level, we have only identified one experience of taking age into account in relation to working time:

Agreement on 'Piloting stages of occupational life' at Air France

This agreement focuses on keeping older employees at work, especially women, and also their access to employment in mid-career. The company has developed an inter-generational human resources management policy, as well as developing a gender equality policy (including signing an agreement). It has also participated in an 'Equallité' programme⁵. Like many big companies, it is a matter of putting an end to early retirement. Different aspects resulting from surveys have been highlighted:

- loss of skills related to the departure of older employees (especially in the area of aeronautic maintenance);
- major ageing of executives (doubling of 50 year-olds by 2010);
- thinking about the style of management of all ages;
- big organisational changes such as challenging principles of length of service and giving value to personal skills;
- policy regarding diversity and equality;
- signing an ethical charter...

The report, which was drawn up by the Entreprises et Personnel consultancy, led to three areas of intervention for the company: a clear will to recognise different ages; a management approach that accompanies individualised career paths by monitoring individual plans; and finally an *'ability to maintain occupational areas of collective regulation, in which*

⁵ Equallité is an EU Equal programme aimed at combating all forms of discrimination

the different generations will be able to draw on resources for learning and socialisation...' (Raoult, 2004).

Amongst the four chapters of this agreement, there is a section called 'Piloting stages of occupational life'. It involves developing **occupational opportunities for employees during the last 10 years of their careers; preparing the transition between work and retirement; facilitating transferring to part-time work at the end of one's career...** Moreover, in chapter 3 on 'Assuming our social responsibility', there are the following points: promoting integration in, and access to, employment; promoting occupational equality of women and men; preventing discrimination... We can see here that, within the same general agreement, occupational equality and age management are tackled – this is rare.

5.2 Flexibility in the organisation of working time

5.2.1 Young persons entering the labour market

We have not found any experiences in this area.

5.2.2 Prime age workers/parents

Adjustments of working time can incorporate aspects that take into account family constraints (responsibility for children and new school year, etc.) and transport of their employees, at the level of:

- **programming and planning training and business trips:**
 - taking employees' family constraints into account when programming business trips;
 - programming training ahead, in order to enable employees to organise childcare.
- **Management of meetings**

Companies increasingly examine improved management of working time regarding group meetings, which involve a lot of people and time without effective results, known as the syndrome of 'extreme obsession with holding meetings'. The work-life balance issue leads companies to optimising meetings in such a way as to avoid them from continuing late into the evening and thus penalising those with family responsibilities. Since 2005-2006, company agreements no longer hesitate raising this issue in the context of their equality agreements (as is the case, for example, at Air France, CNES and EDF).

American Express considers that long working hours and late meetings do not guarantee efficiency. It encourages the actors concerned to respect participants' usual working hours and to take into account, at all levels, constraints of family life, when organising meetings and business trips.

- **Individual and collective planning of schedules:**
 - staggering starting and finishing times of administrative staff in order to adapt them to traffic;
 - work programmes established ahead in order to enable everyone to get organised;
 - sufficient notice when making changes to schedules and days off;
 - harmonising schedules with clients' needs;
 - adjusting schedules to take into account the beginning of the new school year and school meetings.

- **Adjusting parents' schedules**

Additional leave at L'Oréal⁶

On 11 April 2008, L'Oréal signed the Parenthood Charter. Through this undertaking, L'Oréal consolidated its long-standing social policy in favour of fathers and mothers, enabling them to organise their working and family life better.

- L'Oréal awards all its employees who are on maternity leave additional leave (called '**Schueller leave**') thus increasing maternity leave from 16 to 20 weeks – it is fully paid by the company. In order to make work-life balance more flexible, it can be taken all together or in little bits during the period up to the child's second birthday.

- L'Oréal also offers the possibility to mothers and fathers of a child under 13 to benefit from a measure called 'mother and father's Wednesday', which enables them to be off work one, two, three or four Wednesdays per month, provided

⁶ idem

the organisation and functioning of their department makes it possible. This is a very successful measure – *especially amongst mothers* – (43% of the reasons for part-time work).

Sought-after objectives: In the context of long-standing social policy in favour of fathers and mothers, L'Oréal introduces various measures that make it possible to meet the concerns of their employees, who are seeking both to have a better quality of life and also to reconcile family and occupational responsibilities.

Norauto

At the time of the new school year, employees can benefit from adjusted schedules for their child(ren) who are registered in school from the beginning of nursery until the fourth year of secondary school.

Likewise, adjusted schedules can be authorised for school meetings concerning their children for employees who so request and provide written proof.

Employees must make their request at least two weeks ahead.

5.2.3 Older workers

- Increasing career breaks in order to take into account other aspects of employees' personal life

Companies can award unpaid leave for periods in their employees' lives which require one-off breaks, especially:

- looking after ascendants and descendants because of serious illness (family solidarity leave);
- looking after elderly parents;
- looking after a family member who is disabled or has lost autonomy (family support leave).

5.3 Innovative working time arrangements (e.g. teleworking, working at home etc)

5.3.1 Young persons entering the labour market

No studies are available .

5.3.2 Prime age workers/parents (e.g. contracts targeted at parents)

Experiences presented for point 4.3 are mainly aimed at parents, even though this is not always mentioned. It can just be added that companies are currently thinking about taking better account of their employees' life course: for example, a consultancy has re-examined the career paths of its employees in order to propose to both men and women '**occupational breathing spaces**'. They involve the creation of 'spring board positions', which speed up careers, and 'landing positions', which involve staying at the same level and thus making it possible to reconcile personal needs more effectively. At the same time, there has been awareness-raising sessions in order to encourage men to take advantage of these measures.

5.3.3 Older workers (e.g. phasing out of working hours)

No studies are available.

5.4 Conclusions (including a short evaluation of the specific challenges of flexible working time arrangements for each age group)

In all, taking into account both life course and age (difficulty of entry into and exit from the labour market) is hardly present in French discussions on flexible working time. Only the issue of parents' working time has come to the fore and developed via taking into account **parenthood** and increasingly in-depth thinking about the **roles of fathers and organisation of time**. However, apart from a few experiences of gradual retirement, both ends of the life course are not paid special attention, although the needs are great.

6. Summary and conclusions

At the end of this survey of flexible working time that is examined in terms of gender and age, we

remark that in France, the situation is quite paradoxical:

- On the one hand, flexible working time has increased in order to meet, above all, companies' demands and needs - making it possible to have flexible workforce with possibilities of overtime, annualisation, part-time work with atypical schedules and so forth. This is happening to the detriment of women, who are most affected by these forms of flexible working time.
- On the other hand, we have identified the existence of measures and agreements that are rather favourable to employees, especially **when they combine gender equality, working time and work-life balance**. These approaches are still in a minority and recent, but are increasing significantly. It is a matter of using as a starting point employees' and parents' aspirations, of adjusting work schedules, developing, for example, 'chosen family part-time employment' and organising 'checkout till islands' in supermarkets in order to give employees a say, as well as handing over the organisation of time.

We are thus in an intermediate and unstable situation, in which the search for flexibility via working time is increasingly to the detriment of employees, especially in certain sectors where there are many women, such as personal services, cleaning and commerce. Such flexibility leads to shorter working time, depending on the vagaries of the activity, as well as to atypical working hours in evenings and on weekend, and also very frequent changes in the organisation of schedules. It could be thought that this concerns adult men more, but in fact women are the main victims of this type of flexibility. The economic crisis is certainly impacting men, leading to short-time working and even redundancies. Executives (mainly men) run the risk of their situation becoming worse – rather than recruiting, companies are likely to use flexibility, offered by the law on overtime, to the full.

As we have seen, compromises do exist and examples of good practices show that it is possible to combine economic performance and social aspirations precisely by adjusting employees' working time. In line with recent laws on equality and the multi-industry agreement on this topic, time is one of the vehicles for achieving equality (possibilities of having 'breathing spaces' during one's working life, adjusting working time according to age and the presence of children, and so forth). But these measures will not go in the direction of equality if they are reserved for women (such as part-time work). They must also be developed for fathers. This is beginning to happen, but it is to be feared that these attempts remain isolated, given the economic crisis and increasing unemployment – once again, equality via adjusting times and real work-life balance run the risk of being pushed into the background because of the economic constraints of the flexibility that is imposed on both men and women employees...

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